

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

DENNIS R. LATNEY

PETITIONER

VS.

CIVIL ACTION NO. 4:10CV208-DPJ-FKB

ATTORNEY GENERAL  
STATE OF MISSISSIPPI

RESPONDENT

ORDER

This cause came on this date to be heard upon the unopposed Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended dismissal of Latney's petition for writ of habeas corpus for failure to exhaust his available state-court remedies pursuant to 28 U.S.C. § 2254(b)(1). The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 9<sup>th</sup> day of February, 2012.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE